# Judiciary Committee

# HB 2196

**Title**: An act relating to the courts' consultation of the judicial information system before granting orders.

**Brief Description**: Concerning the use of the judicial information system by courts before granting certain orders.

**Sponsors**: Representative Jinkins.

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### Brief Summary of Bill

- Provides that courts, when entering certain orders, may consult the judicial information system and related databases to review criminal history and determine whether other proceedings involving the parties are pending.

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**Hearing Date**: 1/16/14

**Staff**: Omeara Harrington (786-7136).

**Background**:

The Judicial Information System (JIS) is a statewide information system for courts in Washington. The JIS contains information regarding family law actions and other civil cases, criminal history, pending criminal charges, and outstanding warrants. The JIS also includes information relating to protection, no-contact, and restraining orders, including those issued in proceedings involving domestic violence, sexual assault, harassment, family law, and vulnerable adults. Information related to these orders includes the names of the parties, the cause number, the criminal histories of the parties, and any other relevant information necessary to assist courts. The statutorily stated purpose for having this information available in the JIS is to prevent the issuance of competing protection orders and to provide courts with needed information for issuance of protection orders.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Rules regarding ex parte communications prohibit judges from receiving or seeking factual information from outside of the record of a pending case except in limited situations, including when authorized by law to do so. Courts are statutorily required or permitted to consult the JIS in certain circumstances, for example, when entering orders for permanent parenting plans or child custody, and when entering certain protection orders.

**Summary of Bill**:

Prior to entering certain types of orders, the court may consult the JIS or related databases, if available, to review criminal history or to determine whether other proceedings involving the parties are pending. Specifically, the court may consult the JIS or another database when granting any of the following orders:
- Any temporary or final order establishing a parenting plan, making a residential determination concerning a child, or restricting a party's contact with a child;
- Any order regarding a vulnerable child or adult, or a person who is alleged incapacitated person in a guardianship proceeding, regardless of the type of order;
- An order granting letters of guardianship or appointing an administrator of an estate;
- Any order granting relief under the title of the RCW regarding mental illness, which encompasses civil commitment, sexually violent predators, and related matters; and
- Any order granting relief in a juvenile proceeding.

In the event that the court does consult the JIS or a related database, the court is required to disclose to the parties the fact that the database was consulted. In addition, the court must disclose any matters that the court relied upon in rendering a decision, and file a copy of the document relied upon within the court file. The document must be filed as a confidential document.

**Appropriation**: None.

**Fiscal Note**: Not requested.

**Effective Date**: The bill takes effect 90 days after adjournment of the session in which the bill is passed.